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UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

11

12 CORY SPENCER, an individual;
DIANA MILENA REED, an
13 individual; and COASTAL
PROTECTION RANGERS, INC., a
14 California non-profit public benefit
corporation,

15 Plaintiffs,

16 vs.

17 LUNADA BAY BOYS; THE
18 INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
19 not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
20 AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
21 ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA;
22 and ___N.F.____; CITY OF PALOS
VERDES ESTATES; CHIEF OF
23 POLICE JEFF KEPLEY, in his
representative capacity; and DOES
24 1-10,

25 Defendants.

CASE NO. 2:16-cv-02129-SJO (RAOx)

Assigned District Judge Hon. S. James
Otero, Courtroom 10C

Discovery Assigned to Magistrate Judge
Hon. Rozella A. Oliver

**DEFENDANT SANG LEE'S
EVIDENTIARY OBJECTIONS TO
PLAINTIFFS' EVIDENCE FILED
IN SUPPORT OF OPPOSITION TO
MOTION FOR SUMMARY
JUDGMENT**

*[Filed concurrently with Reply;
Opposition & Objections to Request for
Judicial Notice; Response to Additional
Material Facts]*

Date: September 5, 2017
Time: 10:00 a.m.
Crtrm.: 10C

Complaint filed: March 29, 2016
Trial Date: November 7, 2017

27 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

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4833-9366-6124.1

2:16-cv-2129

DEFENDANT SANG LEE'S EVIDENTIARY OBJECTIONS TO PLAINTIFFS' EVIDENCE FILED IN SUPPORT
OF OPPOSITION TO MOTION FOR SUMMARY JUDGMENT

1 Defendant Sang Lee (“Defendant Lee”) hereby submits the following
 2 evidentiary objections to Plaintiffs’ Evidence filed in support of Defendant Sang
 3 Lee’s Motion for Summary Judgment.

4 **I. OBJECTIONS TO DECLARATIONS FILED BY PLAINTIFFS**
 5 **IN SUPPORT OF PLAINTIFFS’ OPPOSITION TO**
 6 **DEFENDANT LEE’S MOTION FOR SUMMARY JUDGMENT**

7 **a. Declaration of Samantha Wolff Submitted In Support of Plaintiffs’**
 8 **Opposition to Individual Defendants’ Motions for Summary**
 9 **Judgment or, in the Alternative, Summary Adjudication**

10 MATERIAL OBJECTED TO	11 GROUNDS FOR OBJECTION(S)	12 RULING
13 1. <u>Paragraph 2, p. 2: 23-25</u> 14 “Attached hereto as Exhibit 1 is 15 a true and correct copy of select 16 excerpts of the deposition 17 transcript of Steve Barber taken 18 in the instant action on June 22, 2017.”	19 Objection. Defendant Lee 20 objects to this statement 21 and the referenced 22 document as lacking 23 relevance in the litigation 24 against Defendant Lee. 25 (Fed. R. Evid. 401, 402).	26 SUSTAINED _____ 27 OVERRULED _____
28 2. <u>Paragraph 3, p. 2: 26-28</u> “Attached hereto as Exhibit 2 is a true and correct copy of select excerpts of the deposition transcript of Defendant Brant Blakeman taken in the instant action on November 21, 2016.”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
3. <u>Paragraph 4, p. 3:1-3</u> “Attached hereto as Exhibit 3 is	Objection. Defendant Lee objects to this statement	SUSTAINED _____

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7	a true and correct copy of select excerpts of the deposition transcript of Defendant Angelo Ferrara taken in the instant action on October 28, 2016.”	and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	OVERRULED _____
8 9 10 11 12 13 14	4. <u>Paragraph 5, p. 3:4-6</u> “Attached hereto as Exhibit 4 is a true and correct copy of select excerpts of the deposition transcript of Defendant Charles Ferrara taken in the instant action on July 7, 2017.”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
15 16 17 18 19 20 21	5. <u>Paragraph 6, p. 3: 7-9</u> “Attached hereto as Exhibit 5 is a true and correct copy of select excerpts of the deposition transcript of Defendant Frank Ferrara taken in the instant action on July 10, 2017.”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
22 23 24 25 26 27	6. <u>Paragraph 7, p. 3: 10-12</u> “Attached hereto as Exhibit 6 is a true and correct copy of select excerpts of the deposition transcript of Defendant Alan Johnston taken in the instant	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee.	SUSTAINED _____ OVERRULED _____

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3	action on July 28, 2017.”	(Fed. R. Evid. 401, 402).	
4 5 6 7 8 9 10	7. <u>Paragraph 8, p. 3: 13-15</u> “Attached hereto as Exhibit 7 is a true and correct copy of select excerpts of the deposition transcript of Defendant Jeff Kepley taken in the instant action on October 10, 2016.”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
11 12 13 14 15 16 17	8. <u>Paragraph 10, p. 3:19-21</u> “Attached hereto as Exhibit 9 is a true and correct copy of select excerpts of the deposition transcript of N.F. taken in the instant action on July 6, 2017.”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
18 19 20 21 22 23 24 25 26 27	9. <u>Paragraph 13, p. 4:1-3</u> “Attached hereto as Exhibit 12 is a true and correct copy of the Declaration of Bruce Bacon in Support of Plaintiffs’ Motion for Class Certification [Docket No. 168].	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to	SUSTAINED _____ OVERRULED _____

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1 2	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16		inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
17 18 19 20 21 22 23 24 25 26 27	10. <u>Paragraph 14, p.4: 4-6</u> “Attached hereto as Exhibit 13 is a true and correct copy of the Declaration of John Carpenter in Support of Plaintiffs’ Motion for Class Certification [Docket No. 161].	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues	SUSTAINED _____ OVERRULED _____

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1	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
2			
3		into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
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16	11. <u>Paragraph 15, p.4: 7-9</u> “Attached hereto as Exhibit 14 is a true and correct copy of the Declaration of Chris Claypool in Support of Plaintiffs’ Motion for Class Certification [Docket No. 176].”	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	SUSTAINED <hr/> OVERRULED <hr/>
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25	26	27	28
1	MATERIAL OBJECTED TO	 GROUNDS FOR	 RULING
2		 OBJECTION(S)	
3		judgment proceedings.	
4		Issues of certification have	
5		already been determined,	
6		and those issues are	
7		unrelated to the motion	
8		now before the Court. On	
9		that basis, Defendant Lee	
10		also objects to this	
11		statement as lacking	
12		relevance to the instant	
13		litigation. (Fed. R. Evid.	
14		401, 402).	
15	12. <u>Paragraph 16, p. 4: 10-12</u>	Objection. Defendant Lee	SUSTAINED
16	“Attached hereto as Exhibit 15 is	objects to this statement	_____
17	a true and correct copy of the	and the referenced	OVERRULED
18	Declaration of Kenneth Claypool	document on the grounds	_____
19	in Support of Plaintiffs’ Motion	that it relates to Plaintiffs’	
20	for Class Certification [Docket	Motion for Class	
21	No. 166].”	Certification, which this	
22		Court denied. (<i>See</i> Dkt.	
23		No. 225.) Plaintiffs are	
24		improperly attempting to	
25		inject certification issues	
26		into these summary	
27		judgment proceedings.	

1 2 3 4 5 6 7 8 9 10 11 12 13	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
		Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
14 15 16 17 18 19 20 21 22 23 24 25 26 27	13. <u>Paragraph 17, p. 4: 13-15</u> “Attached hereto as Exhibit 16 is a true and correct copy of the Declaration of James Conn in Support of Plaintiffs’ Motion for Class Certification [Docket No. 174].”	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have	SUSTAINED <hr/> OVERRULED <hr/>

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1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12		already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	14. <u>Paragraph 18, p. 4: 16-18</u> “Attached hereto as Exhibit 17 is a true and correct copy of the Declaration of Michael Alexander Gero in Support of Plaintiffs’ Motion for Class Certification [Docket No. 170].	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined,	SUSTAINED <hr/> OVERRULED <hr/>

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11		and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	15. <u>Paragraph 19, p. 4: 19-21</u> “Attached hereto as Exhibit 18 is a true and correct copy of the Declaration of Jason Gersch in Support of Plaintiffs’ Motion for Class Certification [Docket No. 170].”	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are	SUSTAINED <hr/> OVERRULED <hr/>

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10		unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	16. <u>Paragraph 20, p. 4: 22-24</u> “Attached hereto as Exhibit 19 is a true and correct copy of the Declaration of John Geoffrey Hagins in Support of Plaintiffs’ Motion for Class Certification [Docket No. 178].”	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion	SUSTAINED <hr/> OVERRULED <hr/>

1 2 3 4 5 6 7 8 9	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
		now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	17. <u>Paragraph 21, p. 4:25-27</u> “Attached hereto as Exhibit 20 is a true and correct copy of the Declaration of John Innis in Support of Plaintiffs’ Motion for Class Certification [Docket No. 165].”	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On	SUSTAINED <hr/> OVERRULED <hr/>

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1 2	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
3 4 5 6 7 8		that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	18. <u>Paragraph 22, p. 5: 1-3</u> “Attached hereto as Exhibit 21 is a true and correct copy of the Declaration of Daniel Jongeward in Support of Plaintiff’s Motion for Class Certification [Docket No. 177].”	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee	SUSTAINED <hr/> OVERRULED <hr/>

1 2 3 4 5 6 7	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	<p>19. <u>Paragraph 23, p. 5: 4-6</u> “Attached hereto as Exhibit 22 is a true and correct copy of the Declaration of Sef Krell in Support of Plaintiffs’ Motions for Class Certification [Docket No. 180].”</p>	<p>also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).</p> <p>Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this</p>	<p>SUSTAINED</p> <hr/> <p>OVERRULED</p> <hr/>

1 2	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
3 4 5 6		statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	20. <u>Paragraph 24, p. 5: 7-9</u> “Attached hereto as Exhibit 23 is a true and correct copy of the Declaration of Joseph Lanning in Support of Plaintiffs’ Motion for Class Certification [Docket No. 172].”	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking	SUSTAINED <hr/> OVERRULED <hr/>

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1 2	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
3 4 5		relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	21. <u>Paragraph 25, p. 5: 10-12</u> “Attached hereto as Exhibit 24 is a true and correct copy of the Declaration of John MacHarg in Support of Plaintiff’s Motion for Class Certification [Docket No. 160].	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant	SUSTAINED <hr/> OVERRULED <hr/>

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1 2	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
3 4		litigation. (Fed. R. Evid. 401, 402).	
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	<p>22. <u>Paragraph 26, p.5: 13-15</u></p> <p>“Attached hereto as Exhibit 25 is a true and correct copy of the Declaration of Carl Marsch in Support of Plaintiffs’ Motion for Class Certification [Docket No. 179].”</p>	<p>Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid.</p>	<p>SUSTAINED</p> <hr/> <p>OVERRULED</p> <hr/>

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1	MATERIAL OBJECTED TO	GROUND(S) FOR	RULING
2		OBJECTION(S)	
3		401, 402).	
4	23. <u>Paragraph 27, p. 5: 16-18</u>	Objection. Defendant Lee	SUSTAINED
5	“Attached hereto as Exhibit 26 is	objects to this statement	_____
6	a true and correct copy of the	and the referenced	OVERRULED
7	Declaration of Stephen Neushul	document on the grounds	_____
8	in Support of Plaintiffs’ Motion	that it relates to Plaintiffs’	
9	for Class Certification [Docket	Motion for Class	
10	No. 173.”	Certification, which this	
11		Court denied. (<i>See</i> Dkt.	
12		No. 225.) Plaintiffs are	
13		improperly attempting to	
14		inject certification issues	
15		into these summary	
16		judgment proceedings.	
17		Issues of certification have	
18		already been determined,	
19		and those issues are	
20		unrelated to the motion	
21		now before the Court. On	
22		that basis, Defendant Lee	
23		also objects to this	
24		statement as lacking	
25		relevance to the instant	
26		litigation. (Fed. R. Evid.	
27		401, 402).	
28	4833-9366-6124.1	18	2:16-cv-2129

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	24. <u>Paragraph 28, p. 5: 19-21</u> “Attached hereto as Exhibit 27 is a true and correct copy of the Declaration of Peter Neushul in Support of Plaintiffs’ Motion for Class Certification [Docket No. 184-1].”	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	SUSTAINED <hr/> OVERRULED
27	25. <u>Paragraph 29, p. 5: 22-24</u>	Objection. Defendant Lee	

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1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	“Attached hereto as Exhibit 28 is a true and correct copy of the Declaration of Victor Otten in Support of Plaintiffs’ Motion for Class Certification [Docket No. 159-3].”	objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	SUSTAINED <hr/> OVERRULED
26 27	26. <u>Paragraph 30, p.5: 25-27</u> “Attached hereto as Exhibit 29 is	Objection. Defendant Lee objects to this statement	SUSTAINED <hr/>

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1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	a true and correct copy of the Declaration of Sharlean Perez in Support of Plaintiffs’ Motion for Class Certification [Docket No. 164].”	and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	OVERRULED <hr/>
25 26 27 28	27. <u>Paragraph 31, p.6:1-3</u> “Attached hereto as Exhibit 30 is a true and correct copy of the	Objection. Defendant Lee objects to this statement and the referenced	SUSTAINED <hr/>

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Declaration of Diana Milana Reed in Support of Plaintiffs’ Motion for Class Certification [Docket No. 159-5].”	document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	OVERRULED <hr/>
24 25 26 27	28. <u>Paragraph 31, p.6: 4-6</u> “Attached hereto as Exhibit 31 is a true and correct copy of the Declaration of Benjamin Sionuit	Objection. Defendant Lee objects to this statement and the referenced document on the grounds	SUSTAINED <hr/> OVERRULED <hr/>

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	in Support of Plaintiffs’ Motion for Class Certification [Docket No. 308].”	that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
23 24 25 26 27	29. <u>Paragraph 33, p.6: 7-9</u> “Attached hereto as Exhibit 32 is a true and correct copy of the Declaration of Michael Sisson in Support of Plaintiffs’ Motion for	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’	SUSTAINED <hr/> OVERRULED <hr/>

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1 2	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Class Certification [Docket No. 169].”	Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
22 23 24 25 26 27	30. <u>Paragraph 34, p. 6: 10-12</u> “Attached hereto as Exhibit 33 is a true and correct copy of the Declaration of Slatten in Support of Plaintiffs’ Motion for Class Certification [Docket No. 159-	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class	SUSTAINED <hr/> OVERRULED <hr/>

1 2	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	6].”	Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
21 22 23 24 25 26 27	31. <u>Paragraph 35, p. 6: 13-15</u> “Attached hereto as Exhibit 34 is a true and correct copy of the Declaration of Cory Spencer in Support of Plaintiffs’ Motion for Class Certification [Docket No. 159-4].”	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this	SUSTAINED _____ OVERRULED _____

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1 2	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19		Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
20 21 22 23 24 25 26 27	32. <u>Paragraph 36, p. 6: 16-18</u> “Attached hereto as Exhibit 35 is a true and correct copy of the Declaration of Blake Will in Support of Plaintiffs’ Motion for Class Certification [Docket No. 163].”	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt.	SUSTAINED <hr/> OVERRULED <hr/>

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1	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
2			
3		No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
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19	33. <u>Paragraph 37, p. 6: 19-21</u>	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are	SUSTAINED
20	“Attached hereto as Exhibit 36 is		_____
21	a true and correct copy of the		OVERRULED
22	Declaration of Andrew Willis in		_____
23	Support of Plaintiffs’ Motion for		
24	Class Certification [Docket No.		
25	309].”		
26			
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1 2	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17		improperly attempting to inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
18 19 20 21 22 23 24 25 26 27	34. <u>Paragraph 38, p. 6: 22-24</u> “Attached hereto as Exhibit 37 is a true and correct copy of the Declaration of Stephen Young in Support of Plaintiffs’ Motion for Class Certification [Docket No. 167.”	Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs’ Motion for Class Certification, which this Court denied. (<i>See</i> Dkt. No. 225.) Plaintiffs are improperly attempting to	SUSTAINED <hr/> OVERRULED <hr/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
		inject certification issues into these summary judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).	
17 18 19 20 21 22 23 24 25 26 27	35. <u>Paragraph 39, p. 6-7</u> “Defendant Charlie Ferrara is recorded in an audio conversation with Plaintiff Diana Reed, a copy of which was previously produced as bates PLTF002027. A true and correct copy of this audio recording, bates PLTF002027, is Exhibit 38 to this declaration and is lodged separately with the court. <i>See</i>	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____

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1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9	Plaintiffs’ Notice of Lodging. Additionally, I caused my office to transcribe the conversation between Defendant Charlie Ferrara and Plaintiff Reed. This transcription is attached as Exhibit 43.”		
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	36. <u>Paragraph 40: p. 7: 4-9</u> “Attached hereto as Exhibit 39 is a true and correct copy of Defendant Lee’s Cell Phone Records, which were produced in discovery pursuant to a subpoena, at 0007, 0008, 0273-0275, indicating Sang Lee (at phone number 0699) called Defendant Blakeman (at phone numbers 3917 and 7934) 62 times on January 29, 2016, the day Plaintiffs Spencer and Reed were intimidated, harassed, and Plaintiff Spencer was attacked.	Objection. Defendant Lee objects to this statement and the referenced documents on the grounds that it lacks foundation that a call was made to the number assigned at the time to Defendant Blakeman. (Fed. R. Evid. 901). There is no evidence to support that Defendant Blakeman can be reached at phone numbers with the last four digits of “3917” and/or “7934.” On that basis, Defendant Lee also objects to this statement as lacking relevance to the	SUSTAINED <hr/> OVERRULED <hr/>

1 2 3 4 5	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	<p>37. <u>Paragraph 4, p. 7:10-14</u></p> <p>“Attached hereto as Exhibit 40 is a true and correct copy of Defendant Lee’s Cell Phone Records, which were produced in discovery pursuant to a subpoena, at 0007, 0008, 0267-0269, indicating that on January 29, 2016, Defendant Sang Lee made a significant number of phone calls to Bay Boys, including Charlie Mowat (9561) and David Melo (5858).</p>	<p>instant litigation. (Fed. R. Evid. 401, 402, 901).</p> <p>Objection. Defendant Lee objects to this statement and the referenced documents on the grounds that it lacks foundation that a call was made to the number assigned at the time to either Charlie Mowat or David Melo (Fed. R. Evid. 901). There is no evidence to support the claim that Charlie Mowat can be reached at a phone number with the last four digits “9561.” There is also no evidence to support the claim that David Melo can be reached at the phone number with the last four digits “5858.” On that basis, Defendant Lee also objects to this statement as</p>	<p>SUSTAINED</p> <hr/> <p>OVERRULED</p> <hr/>

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1 2 3 4 5 6 7 8 9 10 11 12 13	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
		lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402, 901). Defendant Lee also objects to this statement as lacking relevance because Mr. Mowat and Mr. Melo are not parties to this suit and therefore not identified as “Bay Boys.”	
14 15 16 17 18 19 20 21 22	38. <u>Paragraph 42, p. 7:15-17</u> “Attached hereto as Exhibit 41 is a true and correct copy of Alan Johnston’s Chat Messages, which were produced in discovery by Defendant Johnston. This document was produced without bates numbers.”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
23 24 25 26 27	39. <u>Paragraph 44, p. 7-8</u> “From the Easy Reader New Website, I downloaded the following article, a true and correct copy of which is attached	Objection. Defendant Lee refers to and incorporates by reference its Opposition and Objection to Plaintiffs’ Request for Judicial	SUSTAINED _____ OVERRULED _____

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13	as Exhibit A to Plaintiffs' Request for Judicial Notice: Easy Reader News, February 6, 2014, Rachel Reeves, "Lunada Bay localism faces a new challenge." This article is available online through the Easy Reader News website at: http://www.easyreadernews.com/lunada-bay-localism-faces-new-challenge/ .	Notice. Defendant Lee further objects on the basis that this statement constitutes inadmissible hearsay. (Fed. R. Evid. 801, 802.) Defendant objects to this statement as lacking relevance. (Fed. R. Evid. 401, 402).	
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	40. <u>Paragraph 45, p. 8:3-9</u> "From the Los Angeles Times Website, I downloaded the following article, a true and correct copy of which is attached as Exhibit B to Plaintiffs' Request for Judicial Notice: The Los Angeles Times, May 8, 1995, Tony Perry, "Turf Wars Spoil Sanctity of Southland Surf Beaches: Violence: Popularity leads to crowding. Charges that one group attacked outsiders highlight the problem." This	Objection. Defendant Lee refers to and incorporates by reference its Opposition and Objection to Plaintiffs' Request for Judicial Notice. Defendant Lee further objects on the basis that this statement constitutes inadmissible hearsay. (Fed. R. Evid. 801, 802.) Defendant objects to this statement as lacking relevance. (Fed. R. Evid. 401, 402).	SUSTAINED <hr/> OVERRULED <hr/>

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7	article is available online through The Los Angeles Times website at: http://articles.latimes.com/1995-05-08/news/mn-63785_1_lunada-bay .		
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	41. <u>Paragraph 46, p. 8: 10-16</u> “From the LA Weekly Website, I downloaded the following article, a true and correct copy of which is attached as Exhibit C to Plaintiffs’ Request for Judicial Notice: LA Weekly, May 9, 2016, Hillel Aron, “Can a Copy, a Model and Two Lawyers Break a Surf Gang’s 45- Year Grip on Lunada Bay?” This article is available online through LA Weekly’s website at: http://www.laweekly.com/news/can-a-cop-a-model-and-two-lawyers-break-a-surf-gang-s-45-year-grip-on-lunada-bay-6902450 .”	Objection. Defendant Lee refers to and incorporates by reference its Opposition and Objection to Plaintiffs’ Request for Judicial Notice. Defendant Lee further objects on the basis that this statement constitutes inadmissible hearsay. (Fed. R. Evid. 801, 802.) Defendant objects to this statement as lacking relevance. (Fed. R. Evid. 401, 402).	SUSTAINED <hr/> OVERRULED <hr/>
26 27 28	42. <u>Paragraph 47: p. 8: 17-27</u> “On February 5, 2016, a Los	Objection. Defendant Lee refers to and incorporates	SUSTAINED <hr/>

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	<p>Angeles Times photographer took a photo on the bluffs of Lunada Bay of Defenant Brant Blakeman holding a video camera and recording Ken Claypool and Christopher Taloa while they walked down to the shoreline to go surfing. The photograph was included in an article that was published by the Los Angeles Times on February 12, 2016, Garrett Therolf: “Bay Boys’ surfer gang cannot block access to upscale beach, Coastal Commission says.” During his deposition, Defendant Blakeman admitted that he is the man holding the video camera in the photo. <i>See</i> Ex. 2 at 192: 18-5. I downloaded this February 5, 2017 photograph from the Los Angeles Times Website at: http://www.latimes.com/local/California/la-me-surfer-gang-enforcement-201602110-</p>	<p>by reference its Opposition and Objection to Plaintiffs’ Request for Judicial Notice. Defendant Lee further objects on the basis that this statement constitutes inadmissible hearsay. (Fed. R. Evid. 801, 802.) Defendant objects to this statement as lacking relevance. (Fed. R. Evid. 401, 402).</p>	<p>OVERRULED</p> <hr/>

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5	story.html, a true and correct copy of which is attached as Exhibit 44.”		
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	<p>43. <u>Paragraph 48, p. 8-9</u></p> <p>“On January 29, 2016, while surfing at Lunada Bay, Plaintiff Cory Spencer was run over in the water by a Bay Boy who was coordinating his attack with Defendant Blakeman and other Bay Boys who were in the water and on the shoreline. As a result of this attack, Plaintiff Spencer sustained a cut to his right wrist, which resulted in an approximately half-inch scar. Attached as Exhibit 45 is a true and correct copy of a photo depicting Plaintiff Spencer’s right wrist. He is pointing to the scar with the tip of a pen in the photo. This Exhibit was marked as exhibit 43 during his deposition.”</p>	<p>Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).</p>	<p>SUSTAINED</p> <hr/> <p>OVERRULED</p> <hr/>
27	44. <u>Paragraph 49, p. 9:8-14</u>	Objection. Defendant Lee	

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1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<p>“In the course of Plaintiffs’ meet and confer discussions with counsel for each of the Individual Defendants, Plaintiffs’ counsel offered to stipulate to the dismissal of the negligence cause of action against each Defendant, explaining that discovery has revealed that Defendants’ conduct to exclude, harass, intimidate, and attack Plaintiffs was (and is) intentional. Counsel for Defendants Blakeman, Charlie and Frank Ferrara, and Angelo Ferrara refused the proffered stipulation without any explanation.”</p>	<p>objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).</p>	<p>SUSTAINED</p> <hr/> <p>OVERRULED</p> <hr/>
21 22 23 24 25 26 27	<p>45. <u>Paragraph 50, p. 9:15-27</u></p> <p>“On November 16, 2016, my office served requests for production of documents on Defendants Charlie and Frank Ferrara. These requests sought, among other items, copies of</p>	<p>Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).</p>	<p>SUSTAINED</p> <hr/> <p>OVERRULED</p> <hr/>

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1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	<p>each Defendant’s cell phone bill from January 1, 2013 to present. (See, Request for Production No. 40.) Plaintiffs also requested copies of text messages or records of phone calls with a co-defendant in this matter. (Request For Production No. 7). Both Defendants responded that they did not have any documents in response to the request seeking text messages or phone calls with a co-defendant. A true and correct copy of Defendants’ responses to Plaintiff Cory Spencer’s document requests are attached as Exhibit 46. Notably, however, Defendants Charlie and Frank Ferrara’s co- Defendant, Sang Lee, was served with an identical request and responded the production of a privilege log, deomstrating numerous communications between these three Defendants. A true and</p>		

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1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5	correct copy of Defendant Sang Lee’s privilege log is attached as Exhibit 47.		
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	46. <u>Paragraph 52, p. 9-10</u> “Additionally, despite being served with document requests for cell phone records in November 2016, I am informed and believe that neither Charlie Ferrara nor Frank Ferrara attempted to obtain these documents until approximately June or July 2017, despite numerous meet and confer discussions with their counsel which commenced in January 2017. Indeed, Defendant Charlie Ferrara testified at his July 7, 2017 deposition that he hasn’t “really tried that hard” to locate his cell phone bills. (Ex. 4 at 164:13-165:7).	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
25 26 27	47. <u>Paragraph 52, p. 10: 7-15</u> “Despite subsequently being ordered by Magistrate Judge	Objection. Defendant Lee objects to this statement and the referenced	SUSTAINED _____

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1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Oliver to produce all cell phone bills and text messages (Docket No. 267), counsel for Defendants Charlie and Frank Ferrara ignored the Court’s order and failed to produced (sic) Defendant Charlie and Frank Ferrara’s cell phone data. Again, Magistrate Judge Oliver ordered the production of Charlie Ferrara’s cell phone data, observing that his counsel “just chose not to produce all of it.” (See Transcript of July 26, 2017 Telephonic Hearing, attached as Exhibit 48, at 17:7) Notably, Defendant Charlie Ferrara had already filed his motion for summary judgment, arguing Plaintiffs did not possess sufficient evidence to prove their claims.”	document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	OVERRULED <hr/>
25 26 27 28	48. <u>Paragraph 53: p. 10: 16-26</u> “At the July 26, 2017 telephonic	Objection. Defendant Lee objects to this statement and the referenced	SUSTAINED <hr/>

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	<p>hearing, I advised the Court that Defendants Charlie and Frank Ferrara’s cell phone records only date back to February 21, 2016, and are missing necessary data that is relevant to the dates the Plaintiffs were harassed and attacked- January 29, 2016, February 5, 2016 and February 13, 2016. It appears that because of Defendants’ delay in seeking this information from their cell phone carrier, this critical data was lost. Further, Defendant Charlie Ferrara testified at his deposition that he has not done anything to preserve the information that is on his phone, including photographs and text messages. (See Ex. 4 at 172:25-4). As Magistrate Judge Oliver observed at the July 26, 2017 hearing on this topic, “it is baffling” that Defendants ignored their document</p>	<p>document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).</p>	<p>OVERRULED</p> <hr/>

1 2	MATERIAL OBJECTED TO	GROUND(S) FOR OBJECTION(S)	RULING
3 4	preservation obligations altogether. (Ex. 48 at 14:5-25).”		
5 6 7 8 9 10 11	49. <u>Paragraph 54, p. 11:1-3</u> “Attached hereto as Exhibit 49 is a true and correct copy of select excerpts of the deposition transcript of Plaintiff Tony Best taken in the instant action on July 12, 2017.”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
12 13 14 15 16 17 18	50. <u>Paragraph 55, p. 11:4-6</u> “Attached hereto as Exhibit 50 is a true and correct copy of select excerpts of the deposition transcript of Christopher Taloa taken in the instant action on January 5, 2017.”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
19 20 21 22 23 24 25	51. <u>Paragraph 56, p. 11: 7-9</u> “Attached hereto as Exhibit 51 is a true and correct copy of select excerpts of the deposition transcript of Charles Thomas Mowat taken in the instant action on July 21, 2017.”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
26 27	52. <u>Paragraph 57, p. 11: 10-12</u>	Objection. Defendant Lee objects to this statement	SUSTAINED _____

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1	MATERIAL OBJECTED TO	 GROUNDS FOR	RULING
2		 OBJECTION(S)	
3	“Attached hereto as Exhibit 52 is	and the referenced	OVERRULED
4	a true and correct copy of select	document as lacking	_____
5	excerpts of the deposition	relevance in the litigation	
6	transcript of Catherine Placek	against Defendant Lee.	
7	taken in the instant action on	(Fed. R. Evid. 401, 402).	
8	June 23, 2017.”		

9

10 **b. Declaration of Lisa M. Pooley In Support of Plaintiffs’ Opposition to**

11 **Individual Defendants’ Motions for Summary Judgment or, in the**

12 **Alternative, Summary Adjudication**

13	<u>MATERIAL OBJECTED TO</u>	<u>GROUNDS FOR</u>	<u>RULING</u>
14		<u> OBJECTION(S)</u>	
15	53. <u>Paragraph 2, p. 2-3</u>	Objection. Defendant Lee	SUSTAINED
16	“On June 7, 2017, I contacted	objects to this statement	_____
17	Defendant Alan Johnston’s	and the referenced	OVERRULED
18	attorney, Patrick Carey, and	document as lacking	_____
19	advised him that Plaintiffs	relevance in the litigation	
20	wanted to take Mr. Johnston’s	against Defendant Lee.	
21	deposition. I asked for dates that	(Fed. R. Evid. 401, 402).	
22	Mr. Johnston and his attorney		
23	were available in June. In		
24	response, Mr. Carey advised that		
25	Mr. Johnston was out of the		
26	country, but he had contacted		
27	Mr. Johnston and asked him to		

1	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR</u>	<u>RULING</u>
2		<u>OBJECTION(S)</u>	
3	schedule a time as soon as		
4	possible to come back for his		
5	deposition.”		
6	54. <u>Paragraph 3, p. 3:3-5</u>	Objection. Defendant Lee	SUSTAINED
7	“Later on June 7, 2017, Mr.	objects to this statement	_____
8	Carey informed me that Mr.	and the referenced	OVERRULED
9	Johnston was “booked for work	document as lacking	_____
10	through July” and “has a flight	relevance in the litigation	
11	scheduled for August 17 th .” Mr.	against Defendant Lee.	
12	Carey stated that Plaintiffs could	(Fed. R. Evid. 401, 402).	
13	choose any date that week for his		
14	deposition.”		
15	55. <u>Paragraph 4, p. 3: 6-10</u>	Objection. Defendant Lee	SUSTAINED
16	“On June 8, 2017, I responded to	objects to this statement	_____
17	Mr. Carey explaining that	and the referenced	OVERRULED
18	waiting over two months to take	document as lacking	_____
19	Mr. Johnston’s deposition was	relevance in the litigation	
20	not feasible for Plaintiffs. I	against Defendant Lee.	
21	inquired if Mr. Johnston was	(Fed. R. Evid. 401, 402).	
22	working remotely until August		
23	17, where he was flying in from,		
24	and whether he could not make		
25	himself available on some date in		
26	June.”		
27	56. <u>Paragraph 5: p. 3:11-14</u>	Objection. Defendant Lee	

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1 2	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR OBJECTION(S)</u>	<u>RULING</u>
3 4 5 6 7 8 9 10 11 12	<p>“Mr. Carey responded that Mr. Johnston “spends most of his time traveling internationally for VAST,” that he currently was in Taiwan “working for VAST Life Taiwan,” and that he was advised that Mr. Johnston could not make it back until August 17. Mr. Carey proposed an international video deposition.”</p>	<p>objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).</p>	<p>SUSTAINED</p> <hr/> <p>OVERRULED</p> <hr/>
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	<p>57. <u>Paragraph 6, p. 3:15-22</u></p> <p>“In response to Mr. Carey, I reminded him that discovery closes on August 7. I also advised that Plaintiffs preferred to take Mr. Johnston’s deposition in person, as they are entitled to do. I also stated that I was unsure of Mr. Johnston’s employment position, but as a party to this lawsuit, he needed to appear for his deposition upon reasonable notice. I stated that if Mr. Johnston did not agree to appear for his deposition in June, then a</p>	<p>Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).</p>	<p>SUSTAINED</p> <hr/> <p>OVERRULED</p> <hr/>

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1 2	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR OBJECTION(S)</u>	<u>RULING</u>
3 4 5 6	conference with Magistrate Judge Oliver would be necessary to resolve the issue. Mr. Johnston did not agree.”		
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	58. <u>Paragraph 7, p. 3-4</u> “On June 15, 2017, Magistrate Judge Oliver held a telephonic hearing. After hearing from each party, the Court indicated that if Mr. Johnston was saying he had no date available for his deposition before the close of discovery, then Plaintiffs should proceed with noticing his deposition and, if Mr. Johnston did not appear as noticed, then Plaintiffs would need to follow procedures to compel his attendance. During the hearing, Mr. Carey clarified that Mr. Johnston is not an employee of VAST, but rather he is “sponsored” by this surf company.”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
27	59. <u>Paragraph 8, p. 4:3-6</u>	Objection. Defendant Lee	

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1 2	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR OBJECTION(S)</u>	<u>RULING</u>
3 4 5 6 7 8 9	“After the hearing, magistrate Judge Oliver issued an Order directing the parties to meet and confer in good faith and, if unable to reach a resolution, to schedule a telephonic conference with the Court.”	objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED <hr/> OVERRULED
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	60. <u>Paragraph 9, p. 4:7-15</u> “Later on June 15, 2017, Mr. Carey advised me that he had left a message for Mr. Johnston telling him that he must choose a date to come home as soon as possible or Plaintiffs simply would notice his deposition. I advised that Plaintiffs intended to notice Mr. Johnston’s deposition, given the delay in scheduling thus far, the impending discovery deadline, and counsel’s calendar. But I also stated that Plaintiffs would consider a proposed alternative date on which Mr. Johnston agreed to appear, should he do	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED <hr/> OVERRULED

28

1 2	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR OBJECTION(S)</u>	<u>RULING</u>
3 4 5 6 7 8 9	so. Plaintiffs noticed Mr. Johnston’s deposition for June 30, 2017. Attached hereto as Exhibit 1 is a true and correct (sic) of Plaintiffs’ Notice of Deposition of Defendant Alan Johnston, dated June 15, 2017.”		
10 11 12 13 14 15 16 17 18	61. <u>Paragraph 10, p. 4:16-18</u> “On June 19, 2017, I contacted Mr. Carey to inquire if he had communicated further with Mr. Johnston about his return. Mr. Carey stated that Mr. Johnston “could not make it back for 6/30/17” and he was “still working on it.”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
19 20 21 22 23 24 25 26 27 28	62. <u>Paragraph 11, p. 4: 19-23</u> “On June 20, 2017, Mr. Carey informed me again that Mr. Johnston could not make it back for his deposition on June 30. Mr. Carey stated that he “only break” in Mr. Johnston’s schedule is on July 11. Mr. Carey (sic) that he was trying to	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____

1	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR</u>	<u>RULING</u>
2		<u>OBJECTION(S)</u>	
3	arrange something around that		
4	date and urging Mr. Johnston to		
5	arrange a break and book travel		
6	home.”		
7	63. <u>Paragraph 12, p.4:24-28</u>	Objection. Defendant Lee	SUSTAINED
8	“On June 21, 2017, I informed	objects to this statement	_____
9	Mr. Carey that because Mr.	and the referenced	OVERRULED
10	Johnston had not agreed to	document as lacking	_____
11	appear for his deposition on a	relevance in the litigation	
12	mutually-agreeable date,	against Defendant Lee.	
13	Plaintiffs were not taking the	(Fed. R. Evid. 401, 402).	
14	June 30 deposition off calendar. I		
15	advised that if Mr. Johnston did		
16	not appear for his deposition as		
17	noticed, then Plaintiffs would		
18	move to compel his deposition		
19	and seek sanctions for his failure		
20	to appear.”		
21	64. <u>Paragraph 13, p. 5:3-6</u>	Objection. Defendant Lee	SUSTAINED
22	“On June 26, 2017, I contacted	objects to this statement	_____
23	the Court to request a telephonic	and the referenced	OVERRULED
24	hearing concerning Mr.	document as lacking	_____
25	Johnston’s deposition. The Court	relevance in the litigation	
26	issued an Order directing the	against Defendant Lee.	
27	parties to meet and confer one	(Fed. R. Evid. 401, 402).	
28	4833-9366-6124.1	49	2:16-cv-2129

1	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR OBJECTION(S)</u>	<u>RULING</u>
2			
3	more time regarding this dispute		
4	and, if not resolved, to submit		
5	letter briefs to the Court. (Dkt.		
6	255).”		
7	65. <u>Paragraph 14, p. 5: 7-11</u>	Objection. Defendant Lee	SUSTAINED
8	“Later that day, Mr. Carey	objects to this statement	_____
9	advised me that he “may have	and the referenced	OVERRULED
10	Mr. Johnston secured for 7/28/17	document as lacking	_____
11	deposition,” but he could not	relevance in the litigation	
12	“100% confirm.” He said he	against Defendant Lee.	
13	hoped to hear from Mr. Johnston	(Fed. R. Evid. 401, 402).	
14	shortly. (Mr. Carey made no		
15	further mention of Mr.		
16	Johnston’s “break in his		
17	schedule” on July 11.)”		
18	66. <u>Paragraph 15, p. 5:12-13</u>	Objection. Defendant Lee	SUSTAINED
19	“On June 27, 2017, I met and	objects to this statement	_____
20	conferred with Mr. Carey again	and the referenced	OVERRULED
21	as ordered by the Court, but we	document as lacking	_____
22	did not resolve the matter.”	relevance in the litigation	
23		against Defendant Lee.	
24		(Fed. R. Evid. 401, 402).	
25	67. <u>Paragraph 16, p. 5:14-16</u>	Objection. Defendant Lee	SUSTAINED
26	“Mr. Carey proposed that Mr.	objects to this statement	_____
27	Johnston’s deposition proceed on	and the referenced	
28			

1 2	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR OBJECTION(S)</u>	<u>RULING</u>
3 4 5 6 7	July 28, although he had not received confirmation from Mr. Johnston yet that he would return to the country for his deposition on that date.”	document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	OVERRULED _____
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	68. <u>Paragraph 17, p. 5-6</u> “In response, I explained that waiting until July 28, even assuming that Mr. Johnston agreed to appear on that date, would put Plaintiffs at an unfair disadvantage given that: (1) Mr. Johnston’s testimony might be relevant and necessary to oppose two defense summary judgment motions, which Plaintiffs had been advised would be filed against them (and which had to be filed by July 24, at the latest) and (2) Plaintiffs likely would have insufficient time before the close of discovery on August 7, 2017 to compel testimony from Mr. Johnston, should they need to do so based on his responses	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____

28



1 2	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR OBJECTION(S)</u>	<u>RULING</u>
3 4 5 6 7 8 9	at his deposition. I proposed that Mr. Johnston appear at his deposition on June 30, as noticed, and, if he would not, then he appear for his deposition the following week, the week of July 3.”		
10 11 12 13 14 15 16	69. <u>Paragraph 18, p. 6:4-5</u> “On June 28, 2017, I submitted a letter brief to Magistrate Judge Oliver concerning Mr. Johnston’s deposition. (Dkt. 256).”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
17 18 19 20 21 22 23	70. <u>Paragraph 19, p. 6:6-7</u> “On June 30, 2017, Mr. Carey submitted a letter brief to Magistrate Judge Oliver concerning Mr. Johnston’s deposition. (Dkt. 257).”	Objection. Defendant Lee objects to this statement and the referenced document as lacking relevance in the litigation against Defendant Lee. (Fed. R. Evid. 401, 402).	SUSTAINED _____ OVERRULED _____
24 25 26 27 28	71. <u>Paragraph 20, p. 6:8-10</u> “On June 30, 2017, Magistrate Judge Oliver issued an Order for Mr. Johnston to appear for his	Objection. Defendant Lee objects to this statement and the referenced document as lacking	SUSTAINED _____ OVERRULED _____

1	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR</u>	<u>RULING</u>
2		<u>OBJECTION(S)</u>	
3	deposition on July 28, 2017.	relevance in the litigation	
4	(Dkt. 259).”	against Defendant Lee.	
5		(Fed. R. Evid. 401, 402).	
6	72. <u>Paragraph 21, p. 6:11-12</u>	Objection. Defendant Lee	SUSTAINED
7	“On July 24, 2017, Defendant	objects to this statement	_____
8	Johnston filed a motion for	and the referenced	OVERRULED
9	summary judgment. (Dkt. 283).”	document as lacking	_____
10		relevance in the litigation	
11		against Defendant Lee.	
12		(Fed. R. Evid. 401, 402).	
13	73. <u>Paragraph 22, p. 6:14-15</u>	Objection. Defendant Lee	SUSTAINED
14	“On July 28, 2017, I took the	objects to this statement	_____
15	deposition of Defendant	and the referenced	OVERRULED
16	Johnston in Irvine, California.”	document as lacking	_____
17		relevance in the litigation	
18		against Defendant Lee.	
19		(Fed. R. Evid. 401, 402).	
20	74. <u>Paragraph 23, p. 6:17-23</u>	Objection. Defendant Lee	SUSTAINED
21	“On July 24, 2017, I received an	objects to this statement	_____
22	electronic copy of Defendant	and the referenced	OVERRULED
23	Brant Blakeman’s Motion for	document as lacking	_____
24	Summary Judgment, which was	relevance in the litigation	
25	simultaneously e-filed with the	against Defendant Lee.	
26	Court. (Dkt 284). On July 25,	(Fed. R. Evid. 401, 402).	
27	2017, I received an electron copy		
28			

1	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR</u>	<u>RULING</u>
2		<u>OBJECTION(S)</u>	
3	of Defendant Brant Blakeman’s		
4	Notice of Lodging Video in		
5	Support of Defendant’s Motion		
6	for Summary Judgment, in which		
7	he represented that certain video		
8	footage had been lodged with the		
9	Court (referenced as Exhibit A to		
10	the Declaration of Richard P.		
11	Dieffenbach.) (Dkt. 289).”		
12	75. <u>Paragraph 24, p. 6-7</u>	Objection. Defendant Lee	SUSTAINED
13	“On July 26, 2017, I confirmed	objects to this statement	_____
14	that my office had not been	and the referenced	OVERRULED
15	served with the video that	document as lacking	_____
16	Defendant Blakeman lodged	relevance in the litigation	
17	with the Court. I sent an email to	against Defendant Lee.	
18	Mr. Dieffenbach and his co-	(Fed. R. Evid. 401, 402).	
19	counsel who represent Mr.		
20	Blakeman, asking for them		
21	immediately to provide Plaintiffs		
22	with a copy of the video		
23	apparently submitted to the		
24	Court but bot served Plaintiffs. I		
25	also asked Mr. Dieffenbach and		
26	his co-counsel to identify the		
27	video they had submitted to the		
28	4833-9366-6124.1	54	2:16-cv-2129

1	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR</u>	<u>RULING</u>
2		<u>OBJECTION(S)</u>	
3	Court if had been Bates- labeled		
4	or otherwise marked during		
5	discovery. Attached hereto as		
6	Exhibit 2 is a true and correct		
7	copy of the email that I sent to		
8	Mr. Dieffenback and his co-		
9	counsel representing Defendant		
10	Blakeman on July 26, 2017.”		
11	76. <u>Paragraph 25, p. 7:5-9</u>	Objection. Responding Party	SUSTAINED
12	“To date, I have not received any	objects to the extent this	_____
13	response from Mr. Dieffenbach,	interrogatory seeks information	OVERRULED
14	or any of his co-counsel who	protected by the attorney-client	_____
15	represent Defendant Blakeman,	privilege and/or attorney work-	
16	to my July 26, 2017 email. My	product doctrine. Further	
17	office has not been served with	objection is made on the	
18	the video that Defendant	grounds the instructions set	
19	Blakeman apparently lodged	forth on the cover page of the	
20	with the Court in support of his	form interrogatories expressly	
21	summary judgment motion,	states “the interrogatories in	
22	despite his counsel’s obligation	section 16.0 should not be used	
23	to do so and my explicit request	until the defendant has had a	
24	that they do so.”	reasonable opportunity to	
25		conduct an investigation or	
26		discovery or plaintiff’s injuries	
27		and damages.” Without waiver	
28	4833-9366-6124.1	55	2:16-cv-2129

1	<u>MATERIAL OBJECTED TO</u>	<u>GROUND(S) FOR</u>	<u>RULING</u>
2		<u>OBJECTION(S)</u>	
3		of said objections, Responding	
4		Party provides the following	
5		response: Responding Party	
6		lacks adequate information and	
7		the necessary expert analysis at	
8		this early stage to determine	
9		whether such a contention is	
10		warranted.	
11			

12

13 **IT IS SO ORDERED:**

14

15 Dated: _____

Honorable S. JAMES OTERO,
Judge of the United States District Court

17

18 RESPECTULLY SUBMITTED,

19

20 DATED: August 17, 2017

LEWIS BRISBOIS BISGAARD & SMITH LLP

21

22

23

By: /s/ Tera A. Lutz

24

Dana Alden Fox
Edward E. Ward, Jr.
Tera A. Lutz
Attorneys for Defendant SANG LEE

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